

Department of Housing And Community Development
Division Of Construction And Building Inspection

Permit No.: COM2008-17094

THIS WRITTEN INSTRUMENT WHEN PROPERLY VALIDATED, CONSTITUTES AUTHORITY FOR DOING OR RECEIVING THE THINGS INDICATED BY THE FEES OR CHARGES SHOWN IN THE APPROPRIATE SPACES BELOW. ANY AND ALL THINGS TO BE DONE OR RECEIVED UNDER THIS WRITTEN INSTRUMENT SHALL BE DONE OR RECEIVED IN STRICT COMPLIANCE WITH THE APPLICATION HERETOFORE FILED IN THIS DEPARTMENT FOR THE AUTHORITY CONTAINED HEREIN, INCLUDING ANY AND ALL APPROVED DRAWINGS AND OTHER DATA OR INFORMATION ATTACHED THERETO, AND SUBJECT TO ANY AND ALL LAWS, ORDINANCES, RULES AND REGULATIONS IN EFFECT IN THE CITY OF BALTIMORE AND THE STATE OF MARYLAND. WARNING: IT IS UNLAWFUL TO WORK BETWEEN THE HOURS OF 7:00 PM AND 7:00 AM WITHIN 300 FEET OF A DWELLING.

WARNING: IT IS UNLAWFUL TO CONCEAL ANY WORK UNTIL INSPECTED AND APPROVED BY THIS DEPARTMENT.

WARD	SEC.	BLOCK	LOT	ISSUE DATE	EXP. DATE	DISTRICT	MINOR PRIVILEGE	DRAWINGS ATTACHED	PLANS NO.
23	10	1049	001	8/14/08	8/14/09	901		Yes	2008-873

PROPERTY ADDRESS: SS MCCOMAS ST SEC LEADENHALL ST

K/A ADDRESS: 300 W MCCOMAS ST (SWANN PARK)

OWNER: MAYOR & CITY COUNCIL

ADDR:

PHONE:

LESSEE:

ADDR:

PHONE:

PRIME CONTR: MARCOR REMEDIATION INC

PHONE:

LIC. NO.:

ELECTRICAL CONTRACTOR:

PHONE:

LIC. NO.:

PLUMBING CONTRACTOR:

PHONE:

LIC. NO.:

GAS FITTER:

PHONE:

LIC. NO.:

HVAC & R CONTR.:

PHONE:

LIC. NO.:

ARCHITECT:

PHONE:

LIC. NO.:

ENGINEER:

PHONE:

LIC. NO.:

WORK COST: \$330,000.00	LAND USE CODES: 0000 0000 0000 0000	UNDERPINNING: NO	INTERIOR DEMOLITION: NO
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PARK REHAB-REMOVAL OF EXISTING CHAIN LINK FENCE AND SCOREBOARD. INSTALLATION OF NEW CHAIN LINK FENCE, CONCRETE PAVING, ASPHALT PAVING, STORM DRAINS, SANITARY LINE, WATER LINE, SPORTS LIGHTING, SCOREBOARD AND SITE GRADING. CONSTRUCTION OF SINGLE STORY FIELD HOUSE, MASONRY AND WOOD CONSTRUCTION WITH STANDING SEAM ROOF AND MEMBRANE ROOF. STEEL AND WOOD FRAMED CANOPY AS PER CODE AS PER PLANS.

THIS PERMIT IS NOT A LICENSE TO DO WORK THAT WOULD CONSTITUTE AN ENCROACHMENT ON ADJACENT PROPERTY OR A VIOLATION OF ANY EASEMENT OR RIGHT OF WAY OF RECORD AND IT IS THE APPLICANT'S RESPONSIBILITY TO OBTAIN APPROPRIATE SURVEY OR TITLE WORK IF NECESSARY. PLEASE NOTE THAT THE BUILDING OFFICIAL WILL NOT INTERVENE IN DISPUTES RELATING TO PRIVATE PROPERTY INTERESTS.

An Amended Permit must be obtained stating name of contractor before any work can be started.

Property site must be kept clean of trash & debris & maintained secured as per code for the duration of the construction project.

Obtaining a building permit from the City does not constitute approval by or compliance with governing homeowner's association covenants or restrictions.

A-001-139-260-00-000 PER INSP.	A-001-131-260-00-000 MISC.	A-001-131-260-00-000 CH USE	A-001-132-260-01-000 NEW BLOC	A-001-132-260-02-000 ADDITIONS
			200.00	
A-001-132-260-02-000 ALTERATIONS	A-001-132-260-04-000 REPAIRS	A-001-132-260-05-000 MISC. CONST	A-001-133-260-00-000 ELECT.	A-001-134-260-01-000 HYDRONIC/STEAM HEAT
		360.00	256.00	
A-001-134-260-02-000 DISTRIB EXH	A-001-134-260-02-000 AIR COND	A-001-134-260-04-000 DISP TANKS	A-001-134-260-05-000 FIRE	A-001-134-260-06-000 FUEL-BURNING EQUIPMENT
30.00		30.00		
A-001-135-260-00-000 ELEVATOR	A-001-135-260-00-000 PLUMBING	A-001-132-260-07-000 S & E CONTROL	A-001-868-570-01-000 CHAP	A-001-051-150-00-000 TAX
	290.00			59.00
A-001-132-260-06-000 PAVING	A-001-137-260-00-000 FILING FEE	A-001-132-260-02-000 LOW VOLTAGE/TELECOM	A-001-131-260-09-000 PENALTY	TOTAL FEES:
	25.00			1,250.00

THE AUTHORITY CONTAINED HEREIN MAY NOT BE VALIDLY EXERCISED UNTIL AND AFTER ALL OF THE FEES APPEARING HEREON HAVE BEEN PAID AND EVIDENCE THEREOF APPEARS IN THIS SPACE.

PLEASE BE ADVISED THAT THERE IS A PRESUMPTION OF LEAD-BASED PAINT IN PROPERTIES CONSTRUCTED PRIOR TO 1950. PROTECT WORKERS AND TENANTS BY USING THE LEAD-SAFE WORK PRACTICES FOUND IN THE CODE OF MARYLAND REGULATIONS SECTION 26.02.07.



Michael Braverman

MICHAEL BRAVERMAN
BUILDING OFFICIAL

THE AUTHORITY CONTAINED HEREIN DOES NOT AUTHORIZE THE PERFORMANCE OF ANY WORK IN, ON, UNDER OR OVER ANY STREET, HIGHWAY, ALLEY, SIDEWALK OR ANY OTHER PUBLIC WAY, UNLESS PERMISSION TO DO SO HAS BEEN FIRST SECURED FROM THE PROPER AUTHORITY.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

January 31, 2008

Mr. Gennady Schwartz
Baltimore City Dept. of Recs and Parks
2600 Madison Avenue
Baltimore MD 21217

Dear Mr. Schwartz:

The Maryland Department of the Environment, Water Management Administration (MDE/WMA) has received a Notice of Intent (NOI) to comply with the General Permit for Construction Activity, in accordance with the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) stormwater program. You have been identified on the NOI as the principal contact for the Swann Park site. This NOI has been assigned number 08BC0026.

With this NOI submission, the permittee is covered by the General Permit. As such, the permittee is authorized to discharge stormwater associated with construction activity, as defined in the Clean Water Act, from this site. The permittee is responsible for compliance under all terms of the General Permit. This includes the submission of a Transfer of Authorization form to WMA should someone other than the permittee intend to control the permitted activities on the site (see Part I.E. of the General Permit; these forms are available at plan review offices and at WMA), conducting weekly inspections of erosion and sediment controls and maintaining records of these inspections (see Part IV of the General Permit), submitting a Notice of Termination form upon completion of the construction activity and final stabilization of the site (these forms are also available at plan review offices and at WMA), and meeting all other obligations described in the General Permit. A copy of the General Permit is enclosed for your reference. Please review this document carefully.

Thank you for your NOI submission and your intention to comply with the General Permit. Should you have questions regarding the General Permit or the NPDES stormwater program in general, please contact our office at (410) 537-3510.

Sincerely,

Karen Kotofski-Smith
Water Management Administration

Enclosure



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

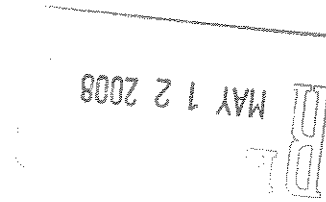
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Deputy Secretary



May 5, 2008

Mr. Christopher M. French
Project Coordinator
Honeywell International Inc.
101 Columbia Road
Morristown, New Jersey 07962-1139

Re: Temporary Stormwater Discharge for Swann Park Remedy Implementation

Dear Mr. French:

I am writing you at the request of Mr. Horacio Tablada regarding your April 8, 2008 letter. In that letter, you requested that the Maryland Department of the Environment (the Department) concur with the temporary stormwater discharge of groundwater resulting from site dewatering activities during the installation of the new 42-inch storm drain. In consultation with the Water Management Administration, the Department concurs with the proposed approach.

If you have any questions, please call me at 410-537-3459.

Sincerely,

James R. Carroll, Program Administrator
Land Restoration Program

cc: Mr. Mike Cook, City of Baltimore
Ms. Dawn Lettman, City of Baltimore
Mr. Gary Walters, ERM
Mr. Bob Steele, CH2M Hill
Mr. Horacio Tablada
Mr. Art O'Connell
Mr. Brian Dietz



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Deputy Secretary

May 27, 2008

City of Baltimore/Department of Recreation and Parks/Gennady Schwartz
C/o Martin Reif, CH2M Hill
15010 Conference Center Drive, Suite 200
Chantilly, VA 20151

Re: MDE Authorization Number: 08-GL-1303
MDSPGP Authorization Number: 200861763

Dear Mr. Schwartz;

Your application to alter tidal wetlands has been evaluated by the Tidal Wetlands Division. Your State license or permit authorizing work in tidal wetlands is attached. Your project qualifies for federal approval under the Maryland State Programmatic General Permit (MDSPGP), permit attached. You should not begin any work until you have obtained all necessary State, local and federal authorizations.

Please take a moment to read and review your authorizations to insure that you understand the limits of the authorized works and all of the general and special conditions. If you are aggrieved by the Department's decision to authorize this project subject to the conditions set forth in the attached license, you may petition the circuit court in the county where the land is located within 30 days after receiving the license. Please call me at 410-537-3835 with any questions.

Sincerely,

Richard J. Ayella, Chief
Tidal Wetlands Division



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1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

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Deputy Secretary

GENERAL TIDAL WETLANDS LICENSE 08-GL-1303

Licensee: CITY OF BALTIMORE/DEPARTMENT OF RECREATION &
PARKS/GENNADY SCHWARTZ

Address: c/o Martin Reif
15010 Conference Center Drive, Suite 200
Chantilly, VA 201551

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

To emplace 450 feet of stone armor within a maximum of 10 feet channelward of a deteriorated bulkhead and the mean high water line as depicted on the attached plans dated 5/23/08. The project is located in the Middle Branch of the Patapsco River at 300 West McComas Street, Baltimore City, Maryland.

By applying for and receiving this General License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This general license is subject to the following conditions:

SPECIAL CONDITIONS

- A. All work shall be permitted under, and in accordance with, the Critical Area requirements of the local jurisdiction where the project is located. This authorization does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from the local jurisdiction in the form of a buffer management plan.
- B. Vegetated wetland impact of 1,900 square feet requires mitigation. Mitigation for an out-of-kind project is at a ratio of 2:1. For a total of 3,800 square feet of mitigation divided by 43,560 square feet per acre times \$75,000 per acre the licensee shall remit \$6,542.69 to the Tidal Wetlands Compensation Fund as per the attached instructional sheet prior to the commencement of work.

GENERAL CONDITIONS

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet;
- B. The licensee certifies real property interest in the contiguous upland;
- C. This license is valid only for use by the licensee. Permission for transfer of the license shall be obtained from the Maryland Department of the Environment. The terms and conditions of this license shall be binding on any assignee or successor in interest of the license;
- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;
- E. This license is void if the licensee fails to obtain all required State, Federal and local approvals before beginning work on the licensed structure or activity;
- F. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;
- G. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;
- H. The licensee shall notify the Water Management Administration, Compliance Program (410) 537-3510 at least 5 days before beginning the activity;
- I. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;
- J. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.



Robert Tabisz
Chief, License and Permit Section
Tidal Wetlands Division

Date of Issuance: May 27, 2008

RAMS Tracking No.: 200861763

rhc

INSTRUCTIONS FOR
WETLANDS COMPENSATION FUND PAYMENTS

Enclose a certified check made payable to:
Maryland Department of the Environment.

In the line on the check labeled "for" write "Tidal Wetlands Compensation Fund" and include the permit number and project name.

Permittee Name Address	Bank Name Certified Check	Date _____
Pay to the order of <u>Maryland Department of the Environment</u>		\$ _____
		_____ Dollars
For: <u>Tidal Wetlands Compensation Fund</u> Permit # _____ Project Name _____		Signature _____

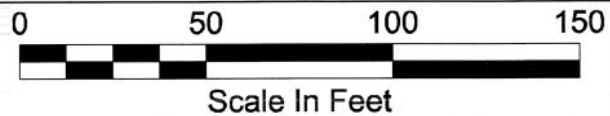
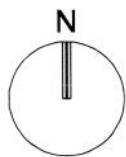
Make 2 copies and the check.
Keep one copy for your records.

Mail the original check to:

Maryland Department of the Environment
Tidal Wetlands Compensation Fund
Fiscal Services Division
P.O. Box 2057
Baltimore, MD 21203-2057

Mail the second copy to:

Maryland Department of the Environment
Water Management Administration
ATTN.: Carol Alfred
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230-1708



CLASS II RIPRAP,
SEE FIGURE 2

MIDDLE BRANCH
PATAPSCO RIVER

10'

450'

EXISTING 42 INCH
STORM DRAIN

LEGEND



MARSH VEGETATION

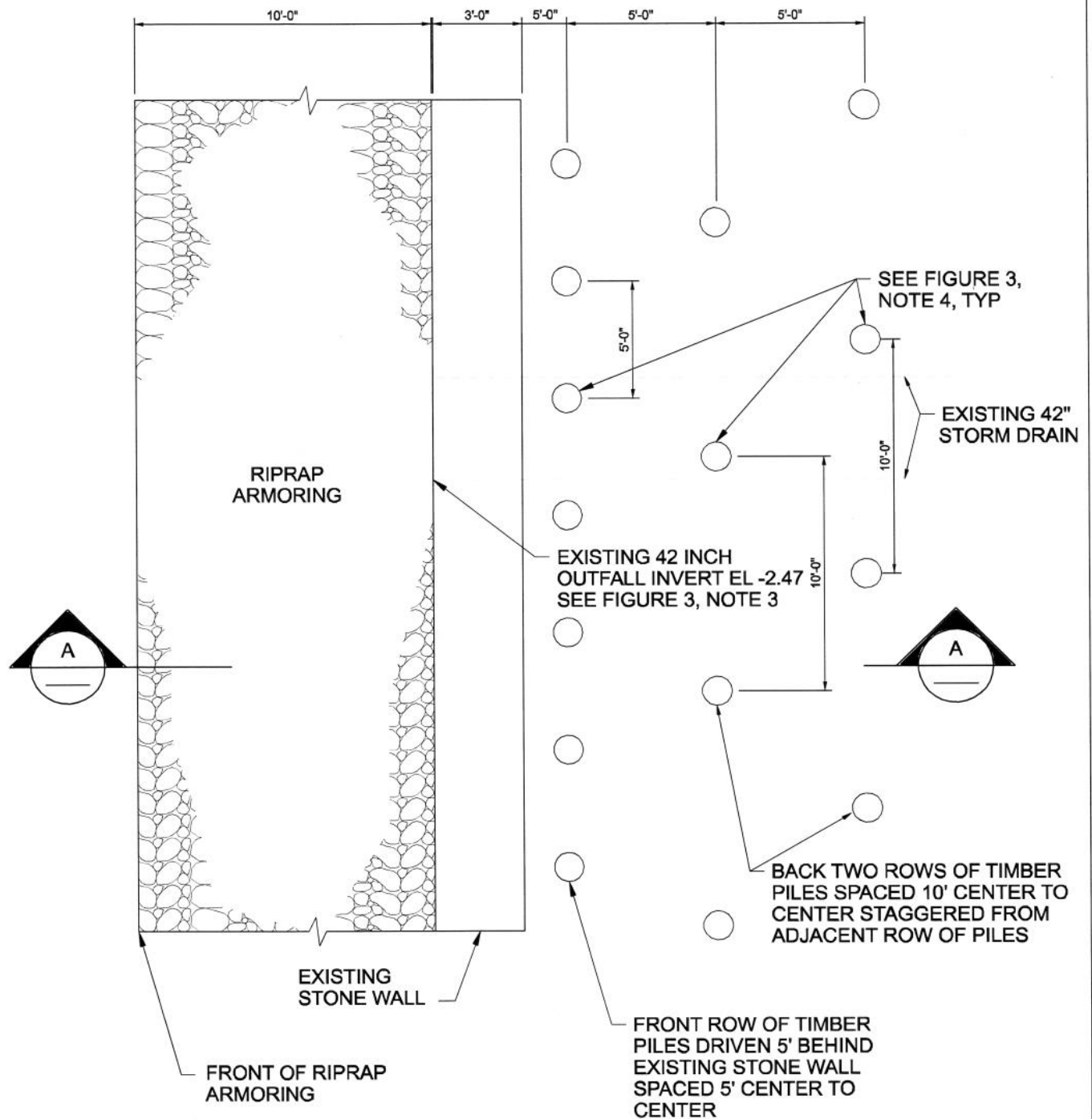


RIPRAP

TREELINE

08-GL-1303
RAMS# 200861763

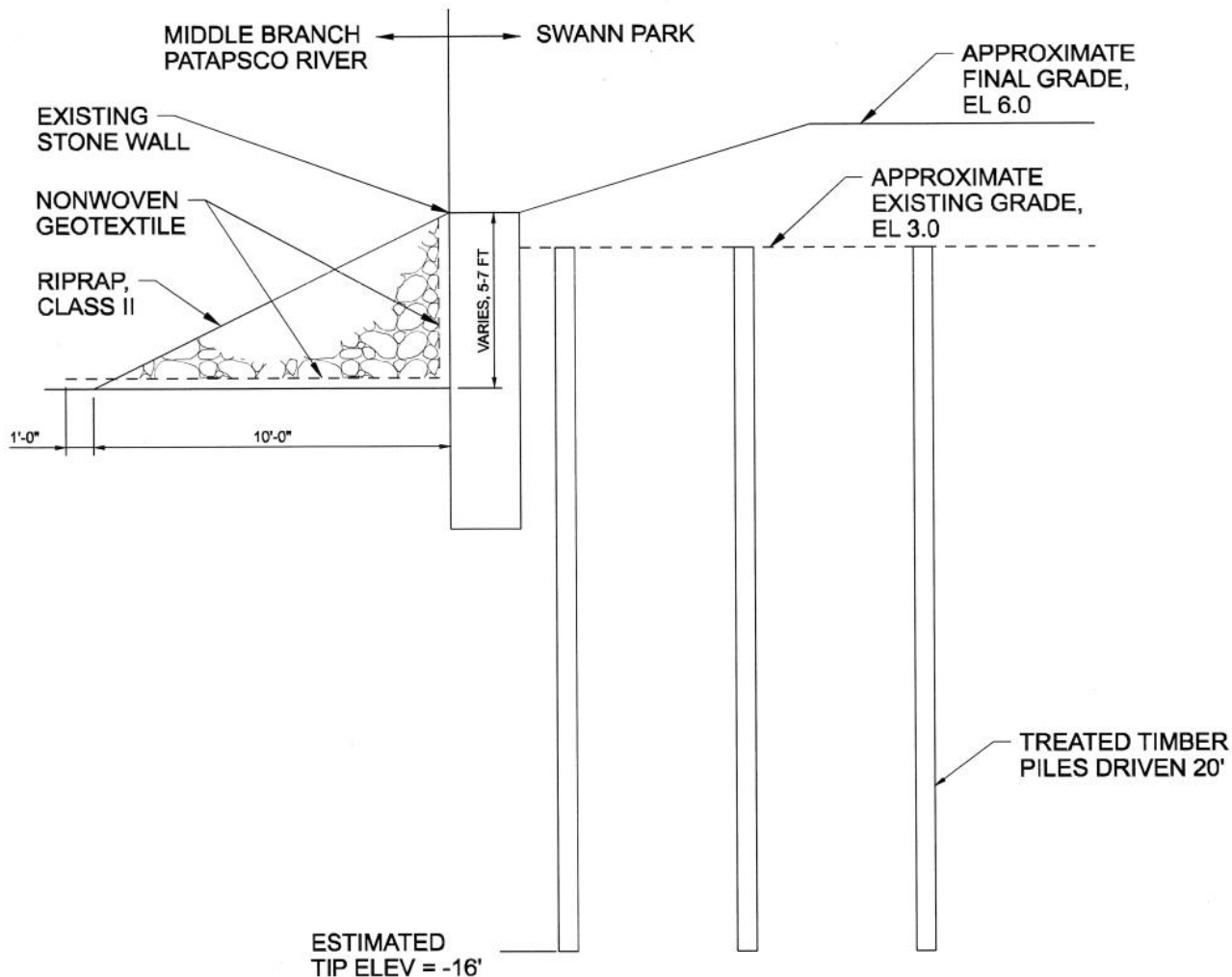
FIGURE 1 OF 5
RIVER RIPRAP
HONEYWELL
SWANN PARK
BALTIMORE, MARYLAND



PLAN VIEW
NTS

08-GL-1303
RAMS#200861763
5/23/08

FIGURE 2 OF 5
PLAN VIEW
HONEYWELL
SWANN PARK
BALTIMORE, MARYLAND



A SECTION

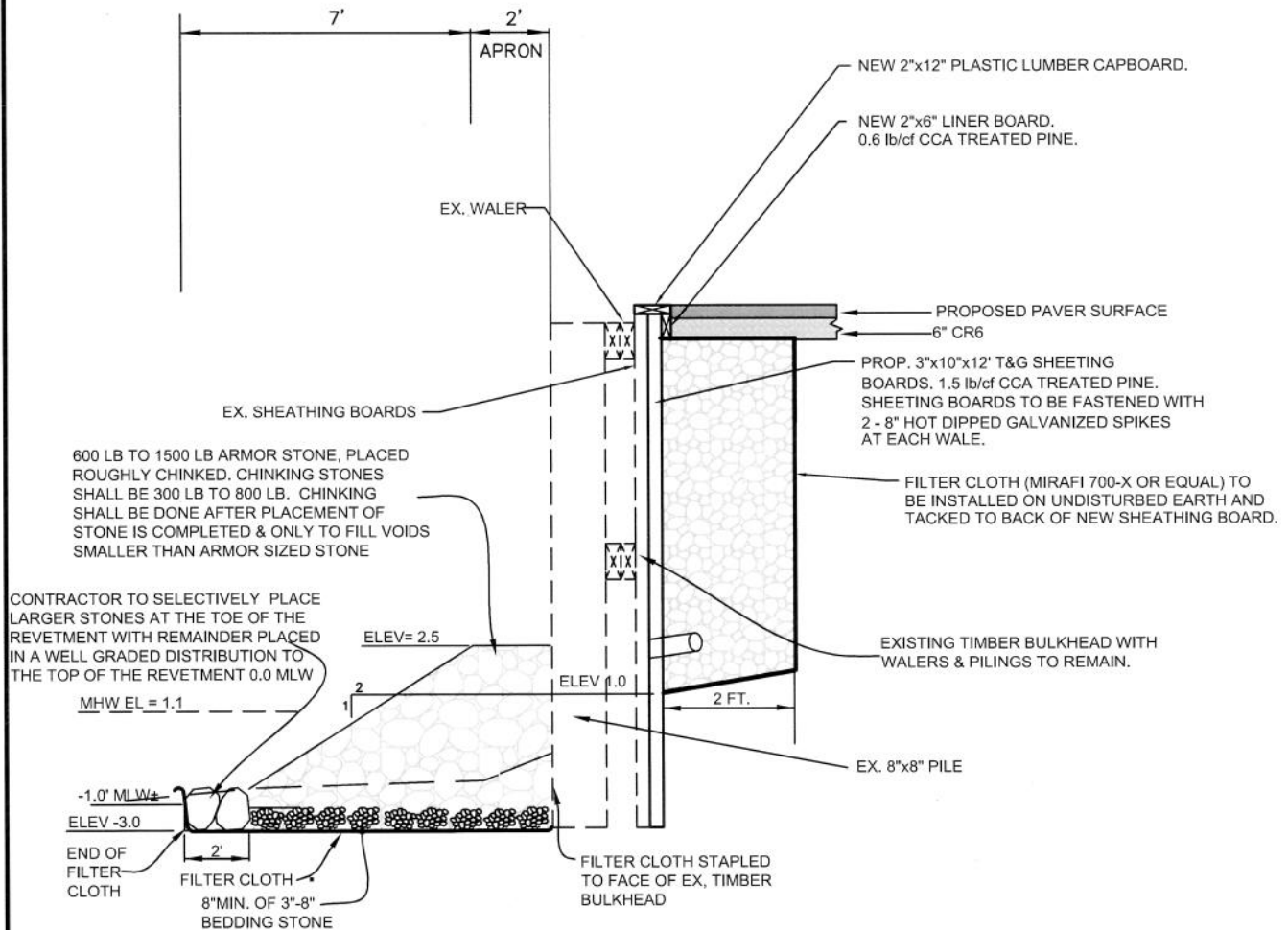
SCALE: 1" = 5'

NOTES:

1. INSTALL RIPRAP PRIOR TO DRIVING TIMBER PILES AND PLACING FILL WITHIN A DISTANCE OF 20 FEET BEHIND THE WALL.
2. IF RIPRAP CANNOT BE INSTALLED PRIOR TO DRIVING TIMBER PILES, ESTABLISH SURVEY MONITORING POINTS ON TOP OF THE WALL EVERY 50 FEET. PROCEED WITH DRIVING THE FRONT ROW OF TIMBER PILES FOLLOWED BY DRIVING THE BACK TWO ROWS. IF THE WALL MOVES GREATER THAN 0.5 INCHES Laterally TOWARDS THE RIVER CEASE CONSTRUCTION WITHIN 20 FEET OF THE WALL UNTIL THE RIPRAP IS PLACED.
3. PLACE GEOTEXTILE RIPRAP ARMORING TO CREATE A CHANNEL TO ACCOMMODATE EXISTING 42 INCH STORM DRAIN OUTFALL.
4. TIMBER PILE LAYOUT SHALL BE MODIFIED IN THE FIELD TO ACCOMMODATE THE EXISTING 42 INCH STORM DRAIN.

FIGURE 3 OF 5
SECTION VIEW
HONEYWELL
SWANN PARK
BALTIMORE, MARYLAND

CH2MHILL



TYPICAL BULKHEAD BACKUP SHEATHING DETAIL

NOT TO SCALE

NOTE: 1. IF DEPTH OF EXCAVATION EXCEEDS 4' THEN TRENCH SIDE SLOPE SHALL BE 2:1 MAX.

2. WHERE EXISTING SHEATHING IS MISSING OR DETERIORATED 3"x8" SPACER BOARDS (1.5 lb/cf CCA TREATED PINE) SHALL BE INSTALLED ON WALERS TO MAINTAIN ALIGNMENT.

08-GL-1303
RAMS#200861763
5/23/08

WHARF RENOVATION

MESSICK & ASSOCIATES

CONSULTING ENGINEERS
PLANNERS & SURVEYORS

2120 RENARD COURT
ANNAPOLIS, MARYLAND 21401

MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES (410) 266-3212

GALESVILLE PIER

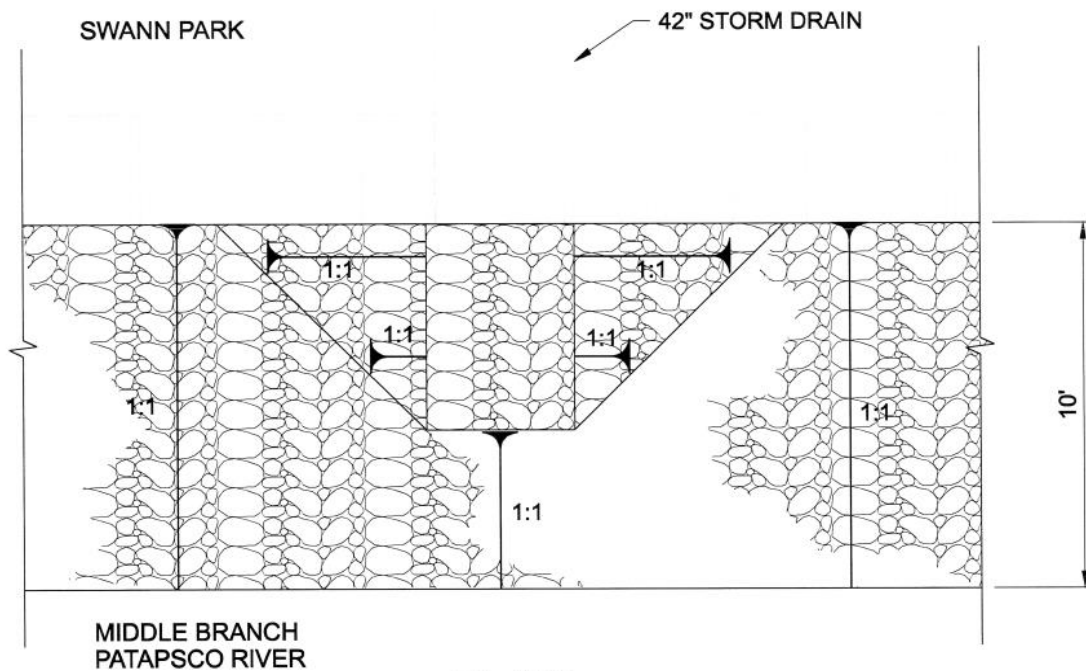
DETAIL

TAX MAP 69, BLOCK 8, PARCEL 500
3RD TAX DISTRICT, ANNE ARUNDEL COUNTY, MD

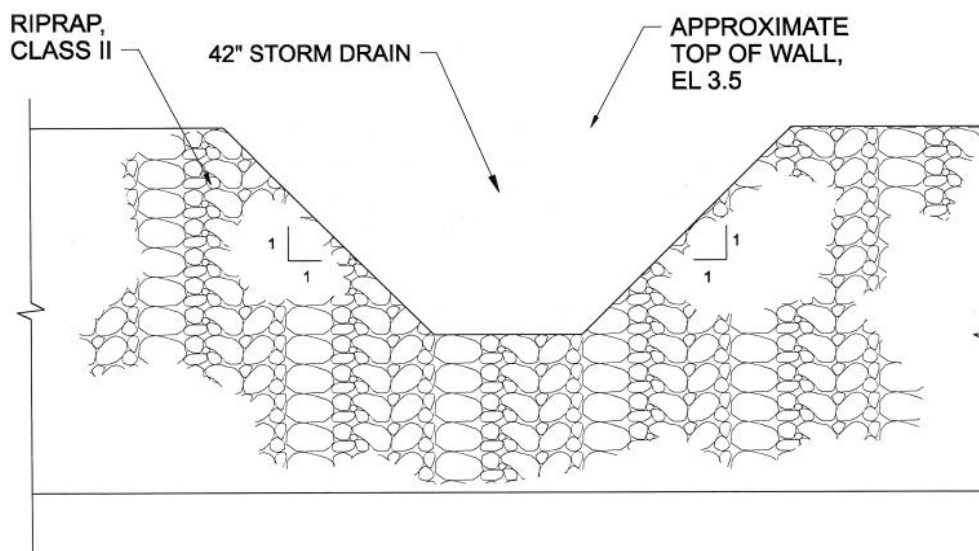
SCALE AS NOTED

SHT. 4 OF 5

MAY, 2008



PLAN



ELEVATION LOOKING EAST

08-GL-1303
RAMS#200861763
5/23/08

FIGURE 5 OF 5
RIP RAP AT OUTFALL
HONEYWELL
SWANN PARK
BALTIMORE, MARYLAND

CH2MHILL



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

IMPORTANT INFORMATION ABOUT YOUR PROJECT

Corps Permit Tracking No.: 200861783

Date: May 27, 2008

Permittee/Project Name: BC Rec & Parks

MDSPGP-3 Category and Activity No.: I-F1

Dear Applicant:

The U. S. Army Corps of Engineers, Baltimore District, has determined that the proposed work meets the terms and conditions of the Maryland State Programmatic General Permit-3 (MDSPGP-3), provided the work is completed in compliance with the plan(s) (**enclosed**), the standard MDSPGP-3 conditions (**enclosed**), the applicable MDSPGP-3 activity-specific conditions (**enclosed**), and special conditions (**enclosed, if applicable**). This MDSPGP-3 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-3 authorization for your project may be modified, suspended, or revoked.

As a condition of the MDSPGP-3 authorization, you, the permittee, are required to complete and sign the enclosed Compliance Self-Certification Form regarding the completed work and any required mitigation, and return to the above address within 60 days following completion of the authorized work and any required mitigation.

In addition, **please note**, if you sell the property associated with this permit, when the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new property owner(s). Although the construction period for work authorized by this MDSPGP-3 is finite, the permit itself, with its limitations, does not expire. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, you must have the transferee (new owner) provide a mailing address and telephone number along with their signature and date in the space provided below, and mail a copy to the above address.

Your MDSPGP-3 authorization is valid until September 30, 2011 unless the MDSPGP-3 is modified, reissued, or revoked. You must remain informed of the changes to the MDSPGP-3. When changes to the MDSPGP-3 occur, a public notice announcing the changes will be issued. If you have commenced construction or are under contract to commence construction of this authorized work prior to the expiration, modification, or revocation date of the MDSPGP-3 itself, you have 12 months from the effective date of the MDSPGP-3's expiration, modification or revocation to complete the work under the present terms and conditions of this MDSPGP-3.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits.


Margaret E. Gaffney-Smith
Chief, Regulatory Branch

TRANSFEREE SIGNATURE

DATE

AREA CODE / TELEPHONE NO.

PRINTED NAME

ADDRESS



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

Effective October 1, 2006

Corps Permit Number

CENAB-OP-R-MDSPGP-3 (MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-3)

TO WHOM IT MAY CONCERN:

Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill material or the placement of structures into Waters of the United States, including wetlands and navigable waters. These discharges and structures must comply with all the terms and conditions identified in this MDSPGP-3. It has been determined that the project qualifies for the MDSPGP-3. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and/or
2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section VI of the MDSPGP-3 effective on October 1, 2006.

VI. General Conditions: To qualify for MDSPGP-3 authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any activity-specific conditions in the MDSPGP-3 category list and any case-specific special conditions imposed by the Corps.

A. General Requirements:

1. **Other Permits:** Authorization under the MDSPGP-3 does not obviate the need to obtain other Federal, State, or local authorizations required by law.

2. **Applicability:** Applicability of the MDSPGP-3 shall be reviewed with reference to the Corps definition of waters of the United States, including wetlands, and navigable waters of the United States. Applicants are responsible for delineating boundaries of all waters of the United States, including wetland boundaries. The delineation of wetland boundaries shall be accomplished in accordance with the current Federal manual for identifying jurisdictional wetlands and appropriate guidance issued by the Corps of Engineers.

3. **Minimal Effects:** Projects authorized by the MDSPGP-3 shall have no more than minimal individual and cumulative adverse environmental effects.

4. **Discretionary Authority:** Notwithstanding compliance with the terms and conditions of the MDSPGP-3, the Corps retains discretionary authority to require an alternate Corps permit review for any project under all categories of the MDSPGP-3 based on concerns for the aquatic environment or for any other factor of the public interest. This authority may be invoked on a case-by-case basis during the review process for Category III activities whenever the Corps determines that, based on the concerns stated above, the potential consequences of the proposed project warrant individual review. In some rare instances, the Corps may have concerns for the aquatic environment or for any other public interest factor pertaining to a specific proposed project, which has already received a case-specific verification as a Category I activity. In order to evaluate this project under an alternate Corps permit review, the verification must be suspended in accordance with Section VII.E of the MDSPGP-3.

Whenever the Corps notifies an applicant that an alternate Corps permit may be required, authorization under the MDSPGP-3 is voided. No work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under the MDSPGP-3.

5. **Single and Complete Projects:** The MDSPGP-3 shall not be used for piecemeal work and shall be applied to single and complete projects, including maintenance activities. All components of a project, including all attendant features both temporary and permanent, shall be reviewed together as constituting one single and complete project. All planned

phases of multi-phased projects (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be applied for and reviewed together as constituting one single and complete project. The MDSPGP-3 shall not be used for any activity or portion of a project, e.g., a pier or boat ramp, that is part of, or dependent on, an overall project, e.g., the dredging of a main navigation channel or a spur channel, for which an individual permit or some other alternate Corps permit is required.

6. Use of Multiple MDSPGP-3 Category I Activities: More than one Category I activity may be used to authorize a single and complete project under the MDSPGP-3. However the project must meet the specific requirements of each Category I activity and the total extent of project impacts must not exceed the acreage limit of the Category I activity with the highest specified acreage limit (e.g., if armoring the toe of an existing culvert is constructed under Category I.b(2) with an associated nontidal bank stabilization authorized under Category I.f(1), the maximum total impact limits to waters of the United States for the single and complete project may not exceed 1.0 acre (43,560 square feet).

7. Authorized Activities in Navigable Waters Subject to Section 10 of the Rivers and Harbors Act of 1899:

a. If future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The U.S. Code of Federal Regulations, Title 33, Part 64 states that all structures erected in navigable waters in depths in excess of three feet at mean low water (MLW) require obstruction lights unless the applicant is advised to the contrary by the Coast Guard District Commander. If the structures authorized by this permit are to be built in water depths in excess of three feet at MLW, the permittee must contact the Commander (AOWW), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights.

B. National Concern:

1. Historic Properties: Any activity authorized by the MDSPGP-3 shall comply with Section 106 of the National Historic Preservation Act. MDE, in cooperation with the Maryland Historic Preservation Office, shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require applicants to perform a survey of archaeological and historical resources in the project area. The Corps shall determine if consultation under Section 106 with MHT or the Advisory Council on Historic Preservation is required. The applicant must notify the Corps if the activity may affect any historic properties listed or eligible for listing, or that the applicant has reason to believe may be eligible for listing on the National Register of Historic Places. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the permit area subject to DA jurisdiction that might be eligible for listing in the National Register of Historic Places, the permittee shall immediately stop work in the permit area and notify the District Engineer. The permittee shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity may proceed. Information on the location and existence of historical resources can be obtained from the Maryland Historic Trust, Office of Preservation Services, and the National Register of Historic Places.

2. National Lands: Activities authorized by the MDSPGP-3 shall not impinge upon the value of any Federal land, including but not limited to, National Wildlife Refuges, National Forests, National Marine Sanctuaries or any area administered by the National Park Service (e.g., Assateague Island National Seashore).

3. Endangered Species: The MDSPGP-3 does not authorize any activity that may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which may destroy or adversely modify the critical habitat of such species unless and until appropriate coordination with the applicable resource agency(s) is complete and all such issues are resolved in accordance with the applicable regulations and the procedures outlined in the MDSPGP-3 Standard Operating Procedures. MDE, in cooperation with DNR, shall conduct an initial review and notify the Corps and FWS or NMFS if any Federally-listed species or critical habitat is likely to be in the vicinity of the project. The Corps shall determine if consultation with FWS or NMFS is required under Section 7 of the ESA. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is eligible for authorization. Information on the location of threatened and endangered species and their critical habitat can be obtained from the FWS and NMFS.

4. **Essential Fish Habitat (EFH):** Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires an EFH consultation with the NMFS for any action or proposed action authorized, funded, or undertaken by a Federal agency that may adversely affect EFH. EFH has been defined by Congress as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. NMFS has determined that many of the MDSPGP-3 Category I activities are eligible for EFH general or programmatic concurrence and require no further EFH consultation. NMFS, in consultation with the District, has determined that individual EFH consultation is needed for some projects potentially eligible for authorization under Category I (includes those projects requiring EFH screening process under Category II) and all Category III projects of the MDSPGP-3 that may adversely affect EFH. The Corps will coordinate with NMFS as part of the Category II and Category III review procedures. EFH conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. If the EFH coordination and consultation requirements can not be resolved under the MDSPGP-3 process, an alternate Corps permit review is required for the project.

5. **Wild and Scenic Rivers:** No activity is authorized under the MDSPGP-3 that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such rivers are in an official study status, unless the appropriate Federal agency, with direct management responsibility for the river, has determined in writing that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U. S. Forest Service, Bureau of Land Management, or U. S. Fish and Wildlife Service.)

6. **Federally Authorized Civil Works Projects:**

a. **Federal Navigation Projects:** The MDSPGP-3 does not authorize interference with any Federal navigation project. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (See VI.A.7.a. above)

b. **Other Federally Authorized Civil Work Projects (i.e., flood control, dams, and reservoirs):** The MDSPGP-3 does not authorize interference with any proposed or existing Federally-authorized civil works project.

7. **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work; and

e. Damage claims associated with any future modification, suspension or revocation of the MDSPGP-3 or any specific MDSPGP-3 verification.

8. **Navigation:** Projects authorized under the MDSPGP-3 shall not cause interference with navigation, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to projects authorized under the MDSPGP-3. Nothing in the MDSPGP-3 shall in any way restrict the District Engineer, U. S. Army Engineer District, Baltimore, from exercising his legal authority to protect the public interest in navigation or from exercising his authority under the Navigation Servitude of the United States. (See VI.A.7.a. above)

C. Minimization of Environmental Impacts:

1. **Minimization:** Discharges of dredged or fill material into waters of the United States and adverse impacts of such discharges on the aquatic ecosystem shall be avoided and minimized to the maximum extent practicable on-site.

2. Mitigation:

a. Generally, compensatory mitigation will be required for all permanent tidal or nontidal wetland impacts either through the State's tidal or nontidal wetland compensation fund or by the permittee as required by special condition of the MDSPGP-3 or the State authorization.

b. Generally, compensatory mitigation will be required for all permanent impacts of 200 linear feet or greater to stream channels, rivers, and other open waters as appropriate under Federal guidance and to the extent necessary to ensure that the impacts are minimal. A proposed compensatory mitigation proposal may be submitted with the application to expedite the process. The Corps will determine if the project is eligible for authorization under the MDSPGP-3 subject to the applicant's submittal of a compensatory mitigation proposal for stream impacts. Compensatory mitigation plans for projects in or near streams or other open waters will generally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat impact concerns.

3. **Work in Wetlands:** Heavy equipment working in wetlands shall be avoided if possible and, if required, soil and vegetation disturbance shall be minimized by using techniques such as timber mats, geotextile fabric, and vehicles with low-pressure tires. Disturbed areas in wetlands shall be restored to preconstruction contours and elevations upon completion of the work.

4. **Temporary Fill and Mats:** Temporary fill and the use of mats are both considered a discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP-3. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-3 shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on the existing wetland grade. Upon completion of the work, all temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original, pre-construction contours and revegetated with native wetland species.

5. **Erosion and Sediment Control:** Adequate erosion and sediment control measures, practices and devices, such as vegetated filter strips, geotextile silt fences, phased construction, or other devices or methods, shall be used to reduce erosion and retain sediment on-site during and after construction. These devices and methods shall be capable of (a) preventing erosion, (b) collecting sediment and suspended and floating materials, and (c) filtering fine sediment. Erosion and sediment control devices shall be removed when the work is complete and the site has been successfully stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date. In-stream work shall be conducted "in the dry" whenever practicable. This should be accomplished using stream diversion devices, other than earthen or stone cofferdams. In addition, work in waters of the United States should be performed during periods of low-flow or no-flow, whenever practicable.

6. **Aquatic Life Movements:** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. A low flow channel must be maintained through any discharges placed for armoring across the channel so as to not impede flow in the waterway and/or not to block or impede the movements of anadromous, estuarine and resident fish. NOTE: Please refer to Appendix C for an expanded version of General Condition VI.C.6 entitled, "Guidance for Constructing Man-Made Stream Crossings and Scour Protection for Man-Made Stream Crossings to Pass Migratory Fish in The Coastal Plain Region of Maryland, and Lower Piedmont Region of Cecil, Harford, and Baltimore Counties, Maryland". This document includes recommended guidance on fish passage and hydrological parameters to ensure that man-made stream crossings do not adversely affect migratory fish.

7. Water Crossings:

- a. All temporary and permanent crossings of waterbodies shall be suitably bridged, culverted or otherwise constructed to withstand and to prevent the restriction of high flows and tidal flows; to maintain existing low flows; and to prevent the obstruction of movement by aquatic life indigenous to the water body, including anadromous, estuarine, and resident fish species.
- b. All water crossings (e.g., utility lines and road crossings) must be constructed roughly perpendicular to waters of the United States, including streams and wetlands. Where a utility line or access road is constructed parallel to a stream corridor, an undisturbed buffer shall be maintained between the utility line/access road and the waterway to avoid or minimize potential future impacts to waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance.
- c. Water crossings must be constructed "in the dry" whenever practicable. This should be accomplished by using stream diversion devices other than earthen or stone cofferdams.
- d. Equipment shall cross streams only at suitably constructed permanent or temporary crossings.
- e. Temporary structures and fills shall be removed and the area restored to its original contours and elevations, or to the conditions specified in the approved plans. The temporary structures and the areas of fill associated with these structures must be included in the total waterway/ wetlands impacts.

8. Discharge of Pollutants: All activities that are authorized under the MDSPGP-3 and that involve any discharge or relocation of pollutants into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251 et. Seq.), and applicable State and local laws and regulations.

9. Spawning Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill materials, in fish and shellfish spawning or nursery areas during spawning seasons shall be avoided. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of year. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

10. Waterfowl Breeding and Wintering Areas: Discharges into breeding and wintering areas for migratory waterfowl shall be avoided to the maximum extent practicable.

11. Environmental Values: The permittee shall make every reasonable effort to construct or operate the work authorized under the MDSPGP-3 in a manner that maintains as many environmental values as practicable, and that avoids or minimizes any adverse impacts on existing fish, wildlife, and natural environmental values.

D. Procedural Conditions:

1. Inspections: The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP-3. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work, and post-dredging survey drawings for any dredging work.

2. Compliance Certification: Every permittee who receives a written MDSPGP-3 verification shall submit a signed Compliance Certification Form within 60 days following completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals). Failure to submit the Compliance Certification Form by the permittee could result in the Corps taking appropriate non-compliance enforcement action against the permit holder. The blank Compliance Certification Form will be forwarded to the permittee with the MDSPGP-3 verification. The completed form will include the following:

- a. A statement that the authorized work either was or was not done in accordance with the MDSPGP-3 verification, including any general and/or specific conditions. If the activity was not done in accordance with the MDSPGP-3 verification, including any general and/or specific conditions, the permittee shall describe the specifics of the deviation from the authorized activity.

b. A statement that any required mitigation was or was not completed in accordance with the permit conditions. If the mitigation was not completed in accordance with the permit conditions, the permittee shall describe the specifics of the deviation from the permit conditions.

c. The signature of the permittee, certifying the completion of the work and compensatory mitigation.

After the project is completed, the certification shall be sent to the Baltimore District at the following address:

**U. S. Army Corps of Engineers
Baltimore District
Attn: CENAB-OP-R
P. O. Box 1715
Baltimore, MD 21203-1715**

3. **Transfer of MDSPGP-3 Verifications:** If the permittee sells the property associated with a MDSPGP-3 verification, the permittee may transfer the MDSPGP-3 verification to the new owner by submitting a letter to the Baltimore District Corps of Engineers office to validate the transfer. A copy of the MDSPGP-3 verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this MDSPGP-3 are still in existence at the time the property is transferred, the terms and conditions of this MDSPGP-3, including special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this MDSPGP-3 permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

4. **Maintenance:** The permittee shall maintain the work or structure authorized by the MDSPGP-3 in good condition and in compliance with the terms and conditions of the MDSPGP-3.

5. **Property Rights:** The MDSPGP-3 does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

6. **Modification, Suspension and Revocation:** The MDSPGP-3, or any verification under it, may be either modified, suspended, or revoked, in whole or in part, pursuant to DA policies and procedures and any such action shall not be the basis for any claim for damages against the United States.

7. **Restoration:** The permittee, upon receipt of a notice of revocation of authorization under the MDSPGP-3, shall restore the wetland or waterway to its former condition, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

8. **Special Conditions:** The Corps may impose special conditions on any project authorized under the MDSPGP-3, in cases where the Corps determines that special conditions are necessary to avoid or minimize adverse effects on the environment or on any other factor of the public interest. Failure to comply with all conditions of the authorization/verification, including special conditions, will constitute a permit violation/unauthorized work and may subject the permittee to criminal, civil, or administrative penalties, and/or restoration.

9. **False or Incomplete Information:** If the project is verified by the Corps or MDE under the MDSPGP-3 and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the MDSPGP-3 verification may be revoked and the Government may institute appropriate legal proceedings.

10. **Compliance:** Any activity performed in waters of the United States, including wetlands and navigable waters, that is not in compliance with all the terms and conditions of the MDSPGP-3 that includes the MDSPGP-3 Category List activity-specific conditions, constitutes unauthorized work and is subject to an enforcement action by the Corps or the EPA. Furthermore, the MDSPGP-3 does not delegate any Section 404 enforcement or regulatory authority. When unauthorized

work occurs in waters of the United States, including wetlands and navigable waters, it is subject to one or more of the following responses by EPA and/or the Corps:

- a. A Cease and Desist order and/or an administrative compliance order requiring remedial action.
- b. Initiation and assessment of a Class I administrative penalty order pursuant to Section 309(g) of the CWA.
- c. Initiation and assessment of a Class II administrative penalty for continuing violation pursuant to Section 309(g) of the CWA.
- d. Referral of the case to the U. S. Attorney with a recommendation for a civil or criminal action.
- e. If the Corps determines that an after-the-fact application is appropriate, it will be reviewed following the appropriate procedures.
- f. Any other appropriate response.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

MDSPGP-3 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM (10/1/06)

Corps Permit Tracking No. _____ Category & Activity Number _____

Project Name _____ Applicant Name _____

Waterway _____ County _____

Dear Permittee:

In accordance with the compliance certification condition of your MDSPGP-3 authorization, you are required upon completion of all permitted work, or if mitigation/compensation is required, within 60 days following completion of the authorized work and any required mitigation (but not the mitigation monitoring, which requires separate submittals), to complete and sign this certification form and return it to the Corps of Engineers, Baltimore District to the address shown above and include ATTN: CENAB-OP-R.

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____

3. Was all work and any required mitigation, completed in accordance with your MDSPGP-3 authorization, including all general and/or specific conditions? YES _____ NO _____

4. Explain in detail any deviations to the authorized work and/or mitigation (use additional sheets if necessary)

5. Was mitigation accomplished through a contribution to the Maryland Nontidal Wetlands Compensation Fund?
YES _____ NO _____ (if NO complete Nos. 6 and 7 below).

6. Wetland Mitigation: Required? YES _____ NO _____ Required Completion Date _____
Completed? YES _____ NO _____ Mitigation Monitoring Reports Required? YES _____ NO _____

7. Attach labeled photographs showing completed work including mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

Signature of Permittee _____ Date _____

Signature of Contractor/Agent _____ Date _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

Corps Permit Tracking Number

MDSPGP-3

CATEGORY I ACTIVITY (I-f(1))

Tidal Revetments, Tidal Shoreline Erosion Control Structures (not revetments), Existing Tidal Revetment/Bulkhead Armoring, and Nontidal Stream Bank Stabilization

The projects, structures and activities, listed below, must comply with all activity-specific conditions, in addition to all of the general conditions of this general permit.

Tidal shoreline stabilization activities will be reviewed based on the following order of preference:

(a) nonstructural shoreline stabilization, including beach nourishment, marsh creation, root wads, and other similar measures; (b) shoreline revetments, breakwaters, groins, and similar structures designed to ensure establishment and long-term viability of nonstructural shoreline stabilization projects; (c) shoreline revetments; (d) breakwaters; (e) groins; and (f) bulkheads. Written documentation may be required to support the preferred stabilization method.

Nontidal stream bank stabilization activities include in order of preference: (a) non-structural/bioengineering bank stabilization measures such as root wads, brush layering, live stakes; (b) structural measures such as rock cross vanes, j-hooks, vortex rock weirs, imbricated riprap, conventional riprap, revetments, vegetated cribwalls; and (c) gabions. Written documentation may be required to support the preferred stabilization method.

This activity authorizes discharges of dredged or fill material associated with construction of tidal shoreline erosion control structures, construction of new tidal revetments, the addition of stone or broken concrete to an existing tidal revetment or bulkhead, and installation of nontidal stream bank stabilization structures. All work authorized by this activity, including discharges, must comply with all activity-specific impact limits and conditions listed below, in addition to the general conditions of this permit (Sections 10 and 404; limited to all waters and wetlands).

Impact Limits:

For new tidal revetments and tidal shoreline erosion control structures (e.g., low profile stone sills), the structure is limited to 500 linear feet in length along the shoreline, must not extend more than 10 feet channelward of the mean high water line and must not impact more than 10% of any adjacent marsh, wetland or SAV, with total impact to waters of the United States, including wetlands, not to exceed 5,000 square feet.

For existing revetment/bulkhead armoring, the work must not extend more than 10 feet channelward of the existing structure (i.e., revetment or bulkhead) and must not impact more than 10% of any adjacent marsh, wetland, or submerged aquatic vegetation (SAV) for each 500 foot section of armoring. Armoring is limited to the length of the existing bulkhead or revetment, with a total impact to waters of the United States, including wetlands, not to exceed ½ acre (21,780 square feet).

The nontidal bank stabilization itself is limited to 500 feet in total length and must not impact more than 10% of any adjacent marsh, wetland, or submerged aquatic vegetation (SAV), with total impact to waters of the United States, including wetlands, not to exceed ½ acre (21,780 square feet).

Conditions:

- (i) Application must be submitted to MDE for Corps authorization.
- (ii) No material may be placed in excess of the minimum needed for erosion protection.
- (iii) If stone is used, the material used must be clean stone or broken concrete. Broken concrete must be clean and free of rebar or other protruding reinforcement.

MDSPGP-3

CATEGORY I ACTIVITY (I-f(1))

Tidal Revetments, Tidal Shoreline Erosion Control Structures (not revetments), Existing Tidal Revetment/Bulkhead Armoring, and Nontidal Stream Bank Stabilization

-2-

- (iv) The activity must be constructed as close to the uplands and/or bank as structurally feasible.
- (v) This activity does not authorize reclaiming eroded land.
- (vi) No material must be of the size or type, or is placed in any location, or in any manner, so as to impair surface water flow into or out of any wetland area.
- (vii) Filter cloth must be used or the project must otherwise be designed and constructed to prevent soil from washing into the waterway.
- (viii) The activity must be constructed with material of appropriate size or class to prevent it from being washed into the waterway.
- (ix) Toe protection for new bulkheads is also authorized.
- (x) Any new revetment or tidal shoreline erosion control structure must be constructed parallel to the uplands.
- (xi) Nontidal bank stabilization material must cover only the minimum necessary for bank stabilization, must have no more than minimal effect on the stream bottom, and should not adversely modify stream hydrology and/or channel morphology. In addition, in-stream structures shall not block the passage of aquatic species.
- (xii) Structural types of nontidal bank stabilization, such as revetments, conventional riprap, and gabions, must have voids/joints and they must be planted with live stakes, to provide additional bank stabilization and stream shading.
- (xiii) Direct displacement of woody riparian vegetation should not exceed 25% within a 25-foot wide strip measured landward of the ordinary high waterline of the stream. Impacts to woody vegetation resulting from soil compaction around the root zone heavy equipment should be minimized.
- (xiv) Large-scale stream restoration projects are not authorized by this activity (i.e., project greater than 500 linear feet and/or with greater than ½ acre (21,780 square feet)) of impact. These must be reviewed as a Category III activity or under the Nationwide Permit #27 process.
- (xv) Discharges associated with nontidal bank stabilization projects must not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark.

SHEILA DIXON
Mayor



GARY W. COLE
Acting Director

December 12, 2008

Gennady Schwartz
Chief of Engineering Services
Department of Recreation and Parks
2600 Madison Avenue
Baltimore, MD 21217

Dear Mr. Schwartz:

RE: Floodplain Fill Variance – Swann Park

The Department of Planning has reviewed the variance request for fill in the floodplain in excess of 600 cubic yards per acre. Attached are analysis and findings of the variance request. The Department of Planning finds that the variances requested by the Honeywell and Baltimore City meet the standards set forth in Article 7, Section 5.

The Department of Planning hereby grants a variance from the Floodplain Regulations for the City of Baltimore.

If you have any questions, please call Ken Hranicky of my staff at 410-396-9508 for further information.

Sincerely,

A handwritten signature in blue ink, reading "Gary W. Cole".

Gary W. Cole
Acting Director

GC/kh

Floodplain Variance for Swann Park December, 2008

Property Description

Swann Park

Ward: 23 Section: 10 Block: 1049 Lot: 001 (Block Plat Attached)

Proposal

The City of Baltimore and Honeywell International Inc. has requested a variance to place more than 600 cubic yards of fill with the 100 year floodplain. The proposal involves filling of the floodplain (approximately 5,296 cubic yards of fill per acre) to meet the regulatory requirements of the MDE Order, City and Building Code. The proposed amount of fill will allow the applicant to install grades for drainage and use of the recreational fields below the clean fill cover. The applicants are requesting a variance from floodplain regulations for actions specific to their proposal, which include:

- Meeting the requirements of an April, 2007 Maryland Department of Environment (MDE) Order (the Order) issued jointly to the City of Baltimore (City) and Honeywell International Inc. (Honeywell), to remediate Swann Park (Site) from contamination.
- Removing approximately 4,000 cubic yards of contaminated soil and then covering the entire Site with a clean fill soil layer that is two feet deep to ensure the protection of future park users and to construct utility corridors at the Site to protect future utility workers.

Analysis

Swann Park is located on the Middle River in Zone AE of Baltimore's Floodplain, where 8.0' feet NGVD 1929 is the base flood elevation. As presently configured, approximately 5.1 acres of the western portion of the Site is located within the 100-year tidal floodplain. Implementation of MDE's approved remedy will require the placement of 3,227 cubic yards of clean fill per acre within the floodplain. Additionally, the City intends to redevelop the Site as a recreation facility, which also necessitates regarding and placement of additional 2,069 clean fill within the western portion of the Site.

Regulations

Planning Department Authority to Grant Floodplain Variances – Article 7, Subtitle 5 (Natural Resources – Floodplain Variances) of the Baltimore City Code provides the Planning Department authority to grant variances as follows:

- Section 5-1(1) indicates that the Department of Planning may consider a variance for new construction of or substantial improvements to nonresidential structures or portions thereof, which will be floodproofed in a watertight fashion.
- Section 5-3 lists the conditions for granting a variance that apply to the improvements proposed by the National Aquarium of Baltimore:
 - “A demonstration of good and sufficient cause”;
 - “A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or

extraordinary public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.”

Regulations for Placement of Fill – Article 7, Section 3-12 provides regulations for the placement of fill. The following apply to the placement of fill in Coastal Floodplains.

- Section 3-12(b) calls for a variance if the placement of more than 600 cubic yards of fill per acre in the floodplain.
- Section 3-12(c) calls for an alternative analysis
- Section 3-12(d) fill shall be used only to the extent to which it does not adversely affect adjacent properties.

Findings

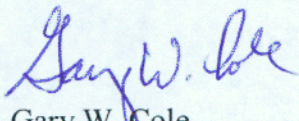
On behalf of the applicants, **CH2MHILL** has submitted an alternative analysis.

The Department of Planning finds that the variances requested by the Honeywell and Baltimore City meet the standards set forth in Article 7, Section 5, including demonstration of good and sufficient cause, determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances, and that the variance is the minimum necessary to afford relief, considering the flood hazard.

Failure to grant the variance would result in exceptional hardship to include environmental liability (by not covering contaminated soils); City residents not having use of recreational facilities which require filling of the floodplain to enable redevelopment per the City’s proposed grading plan; and increased risks of contamination to public waters from the Site.

We note in particular that the provided alternative analysis shows that filling of the tidal 100-year floodplain is the only feasible alternative to accomplish both the Site compliance remedy and meet the City’s plans for the redevelopment of the Site for recreational use. The analysis also shows that even after the fill the elevation of adjoining properties before and after filling are at higher elevations and will not increase the flood hazard for neighboring properties. All these actions are consistent with existing City laws and ordinances.

The Department of Planning hereby grants a variance from the Floodplain Regulations for the City of Baltimore.



Gary W. Cole
Acting Director



CH2M HILL
15010 Conference Center Drive
Suite 200
Chantilly, VA 20151
Tel 703.376.5000
Fax 703.376.5010

January 21, 2008

Mr. Ken Hranicky
Land Use Division and Urban Planning
Department of Planning
City of Baltimore
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202

Subject: Floodplain Variance - Swann Park Remediation/Redevelopment

Dear Mr. Hranicky:

Pursuant to the April 24, 2007 Maryland Department of the Environment (MDE) Order (the Order) issued jointly to the City of Baltimore (City) and Honeywell International Inc. (Honeywell), Honeywell and the City has completed a comprehensive investigation and remedial alternatives analysis to mitigate the threat and endangerment to public health and the environment for Swann Park (Site), Baltimore, Maryland (CH2M HILL, October 5, 2007).

Honeywell and the City jointly proposed a cleanup approach (Alternative 4) that will protect human health and the environment and promptly return the Site to the community for recreational use. The proposed cleanup includes, but is not limited to:

- Removing approximately 4,000 cubic yards of contaminated soil;
- Covering the entire Site surface with a clean fill soil layer that is two feet deep to ensure the protection of future park users; and
- Constructing utility corridors at the Site to protect future utility workers.

On November 19, 2007 MDE issued a letter stating they had received and evaluated the remedial alternatives and concluded that Alternative 4, which requires a minimum of two feet of clean soil cover be placed across the Site, is an appropriate remedy to provide for protection of future park users and construction workers. As presently configured, approximately 5.1 acres of the western portion of the 10.8 acre Site are located within the 100-year tidal floodplain of the Middle Branch of the Patapsco River. Implementation of the MDE's approved remedy will require the placement of more than 600 cubic yards of clean fill per acre within the 100-year floodplain. Additionally, the City intends to redevelop the Site as a recreational facility, which also necessitates regrading and placement of additional clean fill within the western portion of the Site within the 100-year floodplain. Pursuant to City Code Article 7, §3-12 (b), a City variance is therefore required (City Code Article 7, §5-1

through §5-9) for the City and Honeywell to comply with the MDE's Order and to redevelop the Site for its future intended use.

The City and Honeywell submit this correspondence as a variance request for filling of the 100-year tidal floodplain beyond the fill volume limit, as well as to comply with City Code Article 7 §3-12 (c) concerning the requirement of an Alternative Analysis (see Attachment A). The Analysis demonstrates that, based on technical, regulatory, and environmental impact considerations as well as flood hazard concerns, filling of the tidal 100-year floodplain is the only feasible alternative to accomplish both the Site remedy to comply with the MDE's Order while also meeting the City's plans for the redevelopment of the Site for recreational use by City residents.

In summary, three alternatives were considered as part of the floodplain variance evaluation: (1) No filling of the floodplain; (2) Minimal filling of the floodplain to conform with only the MDE's selected remedy (a two-foot clean fill cover over the site) and omitting grading requirements to meet the City's redevelopment plan; and (3) Filling of the floodplain to meet the City's redevelopment grading requirements in addition to addressing the MDE's selected remedy.

Based on technical, regulatory, environmental impact, and flood hazard considerations as presented in the attached alternative analysis, the selected remedy (Alternative 4), determined that filling of the 100-year tidal floodplain to the level of the proposed remediation/redevelopment, is the most feasible alternative. As demonstrated in Sections A, B, and C (Drawings C-7 and C-8) appended to Attachment A, two feet of clean fill cover are required to be placed above the level of the park redevelopment grades proposed by the City to comply with the MDE Order. Once the filling of the floodplain is approved to an elevation above the 100-year flood level (approximately 8 feet elevation), any additional filling above elevation 8 feet does not effect flood hazard and, thus, need not be considered for purposes of granting the requested variance.

Neighboring properties located to the north and south of the Site are at higher elevations following filling of the floodplain on the Site. Accordingly, the Site elevations will still remain below the elevations of the neighboring properties and will not increase the flood hazard for neighboring properties. The elevation of adjoining properties before and after filling are provided in Drawings C-1 and C-5 appended to Attachment A. As we have discussed previously, it is our understanding that, because it is clear that neighboring property will not be impacted, the submission of a hydrologic and hydraulic analysis will not be required. See §3-12 (h).

Clean fill material associated with the preferred floodplain alternative (see Attachment A) will comply with City Code Article 7, §3-12 (d) through (h). As such, clean fill will be used in the floodplain only to the extent that it does not adversely affect flooding of the adjacent properties. In addition, fill will consist of soil or rock material only and will be deemed clean per the requirements of the MDE Voluntary Cleanup Program [VCP] (MDE Voluntary Cleanup Program Guidance Document, September 20, 2005). Moreover, fill material will be

compacted in accordance with standard proctor test methods (ASTM Standard D-698) to provide the necessary stability (e.g., slopes no steeper than 1 vertical to 2 horizontal between elevation steps) and resistance to erosion, scouring, or settling.

The conditions for granting the required variance (City Code Article 7, §5-3) are satisfied by Honeywell and the City's submission as follows:

1) The Site requires a remedial response (i.e., clean fill cover of entire Site, including within the floodplain) to comply with the MDE's Order;

2) Redevelopment of the Site into a multi-use recreational facility demonstrates good and sufficient cause for granting the variance (City Code Article 7, §5-3 (1));

3) Failure to grant the variance would result in exceptional hardship to a variety of stakeholders (City Code Article 7, §5-3 (2)), including:

- Property owner's environmental liability (by not covering contaminated soils exposed within the floodplain);
- City and State environmental liability (by not covering contaminated soils exposed within the floodplain);
- City residents not having use of recreational facilities which require filling of the floodplain to enable redevelopment per the City's proposed grading plan; and
- Increased risks to the Site from flood hazards by not filling the floodplain as part of the site remedy.

Additionally, as set forth in the Alternative Analysis (Attachment A), the remediation/redevelopment plan will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. As described above, the public good will not be served if the variance is not granted, disallowing fill material placement in the floodplain, and therefore severely limiting redevelopment of the Site as a recreational facility for City residents.

Honeywell and the City of Baltimore will conform with the City Code stipulations that the issued variance is the minimum necessary to afford relief considering the flood hazard (City Code Article 7, §5-4 (1)). Conformance with these stipulations is further discussed in the Alternative Analysis (Attachment A).

Due to time constraints on returning the Site to public use, Honeywell and the City requests that the City immediately grant a variance with respect to the required filling of the floodplain as detailed in Alternate 3 presented in the attached Flood Plain Alternative Analysis.

Mr. Ken Hranicky
Page 4
January 21, 2008

If you have any questions or require additional information, please contact me at 703-376-5223.

Sincerely,

CH2M HILL

A handwritten signature in black ink, appearing to read 'Martin A. Reif', with a stylized, cursive script.

Martin A. Reif, P.E.
Project Coordinator

Enclosure

cc: Chris French (Honeywell)
Michael Daneker, Esq. (Arnold & Porter)
Maggie Tindall, Esq. (GFRH&H)
Mike Cook (City of Baltimore)
Dawn Lettman (City of Baltimore)
Gary Walters (ERM)
Bob Steele (CH2M HILL)

Attachment A
Alternatives Analysis
Swann Park
West McComas Street, Baltimore, MD 21230

Introduction

Honeywell International (Honeywell) and the City of Baltimore (City) submit this Alternatives Analysis to comply with City regulations regarding the filling of floodplains as per City Code Article 7, §3-12 (b). As presently configured, approximately 5.1 acres of the western portion of 10.8 acre Site is located within the 100-year floodplain of the Middle Branch of the Patapsco River (Drawing C-1). The proposed placement of more than 600 cubic yards of fill per acre in the floodplain during the remediation and redevelopment of the Swann Park (Site), located at the foot of West McComas Street, Baltimore, MD 21230, requires an analysis of alternatives (City Code Article 7, §3-12 (c)) as well as a City variance (City Code Article 7, §5-1 through §5-9).

The three alternatives under consideration for the redevelopment of the 100-year floodplain portion of this Site include the following:

- Alternative 1: No Action (No Filling of Floodplain)
- Alternative 2: Minimal Floodplain Filling to Conform With the Order Selected Remedy Cover Requirements
- Alternative 3: Floodplain Filling to Meet Redevelopment Grading and the Order Selected Remedy Cover Requirements

The applicable alternatives were evaluated for the following criteria:

1. Technical Feasibility
2. Regulatory Feasibility
3. Environmental Impacts Feasibility
4. Flood hazard

Each alternative was independently evaluated below using these criteria.

Alternatives

Alternative 1: No Action (No Filling of Floodplain)

This Alternative involves no action and would involve the Site redevelopment upon the existing topography and floodplain overly for the Site.

Technical Feasibility – Technological limitations include inadequate grades to provide for proper drainage and use of athletic fields and exposure of future recreational users and construction workers to contaminated soil.

Regulatory Feasibility – A minimum of 3,227 cubic yards of fill per acre will be required to meet the regulatory requirements of the MDE Order approved remedy of a two foot clean soil cover over contaminated soil across the Site (including areas within the floodplain). Therefore, this Alternative cannot feasibly be implemented when

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Alternatives Analysis
Swann Park
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considering the MDE Order as well as other MDE regulatory requirements regarding the protection of public health at properties where exposed contaminants in soil exceed public health standards.

In addition, this Alternative will not feasibly meet the MDE guidelines for risk mitigation of construction workers associated with utility installation for Site redevelopment. In the absence of sufficient engineering controls, utility construction workers will be unduly exposed to contaminated soils during subsurface utility installation across the Site. This Alternative was not considered beyond MDE Order requirements.

Environmental Impacts Feasibility – Although this Alternative represents the conditions that currently exist, this alternative is not considered to be feasible due to the existing level of environmental impacts to the Site. Historic environmental impacts, including arsenic contamination within soil and currently impair the Site. Therefore, the environmental impacts feasibility of this Alternative is relatively low when compared with Alternative 2 and 3, which involve placement of clean soil cover across the entire Site.

Flood Hazards – The feasibility of this Alternative with respect to flood hazard is considered low due to the likelihood of significant flooding of property located within the 100-year floodplain during major storm surges. To that end, City Zoning Code §8-202 (2) and (3) concerning Floodplain Overlay Districts, specifically states that “damage to public health and private property should be minimized” by “preventing or minimizing flood damage.”

Alternative 2: Minimal Floodplain Filling to Conform With MDE Order Cover Requirements

This Alternative involves filling of the floodplain (3,227 cubic yards of fill per acre) to minimally meet the regulatory requirements of the MDE Order of a two foot clean soil cover over contaminated soil across the Site (including areas within the floodplain).

Technical Feasibility – Technological limitations include inadequate grades to provide for proper drainage and use of athletic fields.

Regulatory Feasibility – A minimum of 3,227 cubic yards of fill per acre will be required to meet the MDE Order cover requirements. This Alternative will feasibly meet the MDE Order requirements for risk mitigation of future Site users and construction workers. However, this Alternative will also not satisfy the design requirements of City Zoning Code §8-202 (4), regarding the “protection of the public water supply” that could suffer impact from flooding and erosion due to insufficient elevation of utilities.

Environmental Impacts Feasibility – This Alternative is protective of human health because it mitigates impacts to Site users and construction workers by placing two feet of clean fill cover and establishing clean utility corridors.

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Alternatives Analysis
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Flood Hazards – From the standpoint of flood hazards, this Alternative is considered more feasible than Alternative 1, but less feasible than Alternative 3. The addition of two vertical feet of clean cover material to the floodplain will reduce, but not eliminate the flood hazards. However, because portions of the existing floodplain overlay will still remain below the 100-year flood level, some risk of flooding of the property will still exist. To that end, City Zoning Code §8-202 (2) and (3) concerning Floodplain Overlay Districts, specifically states that “damage to public health and private property should be minimized” by “preventing or minimizing flood damage.”

Alternative 3: Floodplain Filling to Meet VCP Requirements, City Code, and Building Code

This Alternative involves filling of the floodplain (approximately 5,296 cubic yards of fill per acre) to meet the regulatory requirements of the Order selected remedy cover, City Code, and Building. Although only 3,227 cubic yards of fill per acre are required to meet the MDE Order requirements regarding placement of the cover, this Alternative requires an additional 2,069 cubic yards of fill per acre to install establish grades for drainage and use of the recreational fields below the clean fill cover. Following filling, approximately 2.4 acres of the western portion of the Site will remain in the floodplain (Drawing C-5).

Technical Feasibility – No technological limitations exist with implementing this Alternative.

Regulatory Feasibility –This Alternative will feasibly meet all MDE Order requirements for risk mitigation of future Site users, construction workers, and any other Site visitors. This Alternative also will fully satisfy the design requirements of City Zoning Code §8-202 (1), (2), (3), and (4). City Zoning Code §8-202 (4) involves the “protection of the public water supply” that could suffer impact from flooding and erosion by implementation of Alternatives 1 or 2.

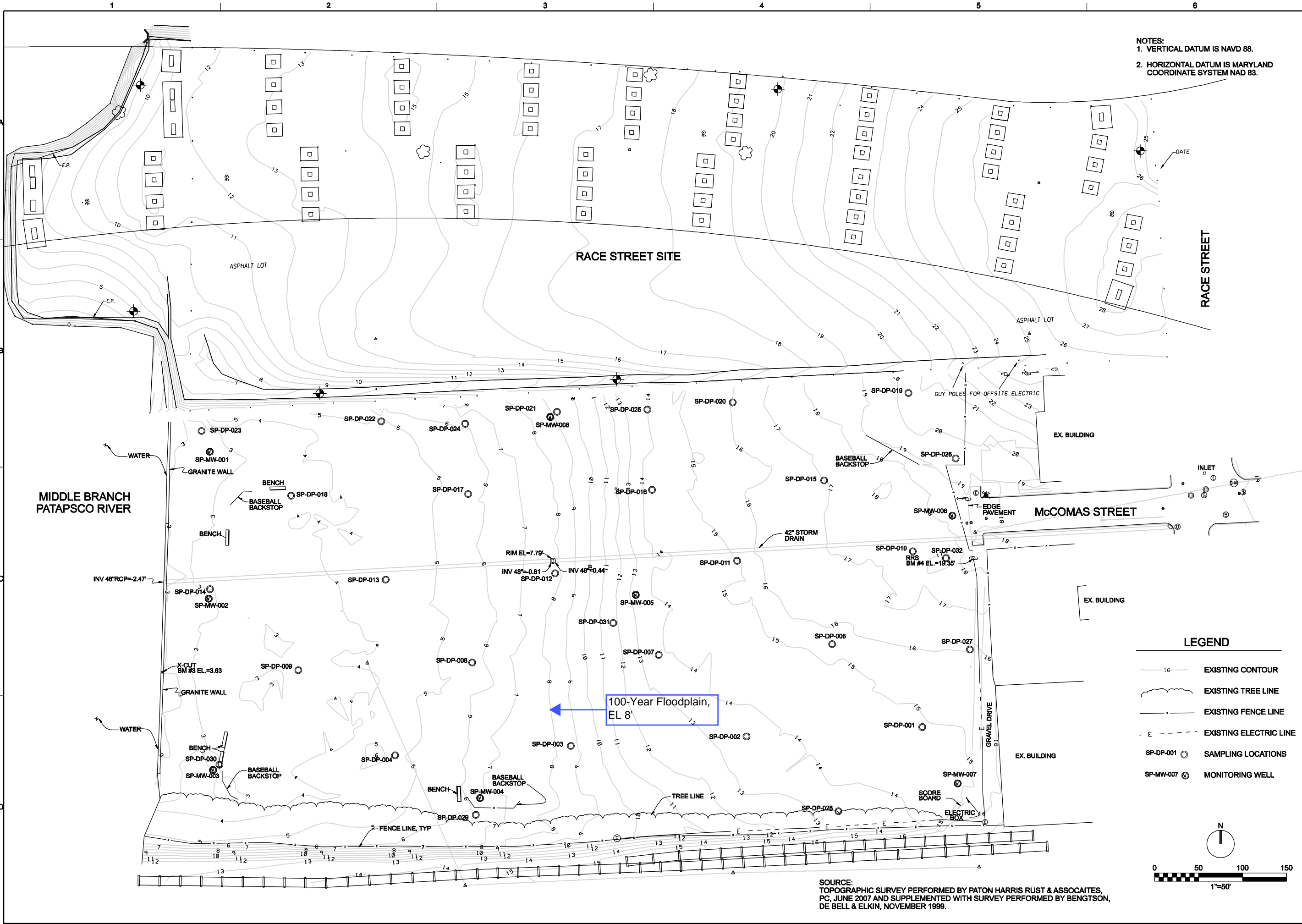
Environmental Impact Feasibility – This Alternative is considered protective of human health because it mitigates impacts to Site users and construction workers by placing two feet of clean fill cover and establishing clean utility corridors.

Flood Hazards – This Alternative is feasible with respect to flood hazard as it affords the greatest degree of freeboard (above 100-year flood level) of all of the Alternatives for the “protection of human health and the environment” (City Zoning Code §8-202 (1), “minimizing damage to public and private property” (City Zoning Code §8-202 (2), and “preventing or minimizing flood damage” (City Zoning Code §8-202 (3). However, because portions of the existing floodplain overlay will still remain below the 100-year flood level, some risk of flooding of the property will still exist. The elevation of adjoining properties before and after filling are provided in Drawings C-1 and C-5. Sections A, B, and C (Drawings C-7 and C-8) present the relationship of site grades to the 100-year flood level before and after filling of the Site to the level of the park redevelopment grades proposed by the City to comply with the MDE Order.

Attachment A
Alternatives Analysis
Swann Park
West McComas Street, Baltimore, MD 21230

Conclusions

The results of the Alternatives Analysis indicate that – with respect to technical feasibility, regulatory feasibility, environmental impact feasibility, and flood hazard – Alternative 3 represents the only feasible alternative for filling of the floodplain. Due to time constraints on acquisition of clean fill material and returning the site to public use, Honeywell and the City requests that the City immediately grant the requested variance.



NOTES:
1. VERTICAL DATUM IS NAVD 88.
2. HORIZONTAL DATUM IS MARYLAND COORDINATE SYSTEM NAD 83.

CH2MHILL

CIVIL

EXISTING CONDITIONS

SWANN PARK
BALTIMORE, MARYLAND

HONEYWELL

NO	DATE	DESCRIPTION	APVR	N
1	06/01/07	100-YEAR FLOODPLAIN	BY	APVD
2	06/01/07	100-YEAR FLOODPLAIN	BY	APVD
3	06/01/07	100-YEAR FLOODPLAIN	BY	APVD
4	06/01/07	100-YEAR FLOODPLAIN	BY	APVD
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VERIFY SCALE

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DATE OCT 2007

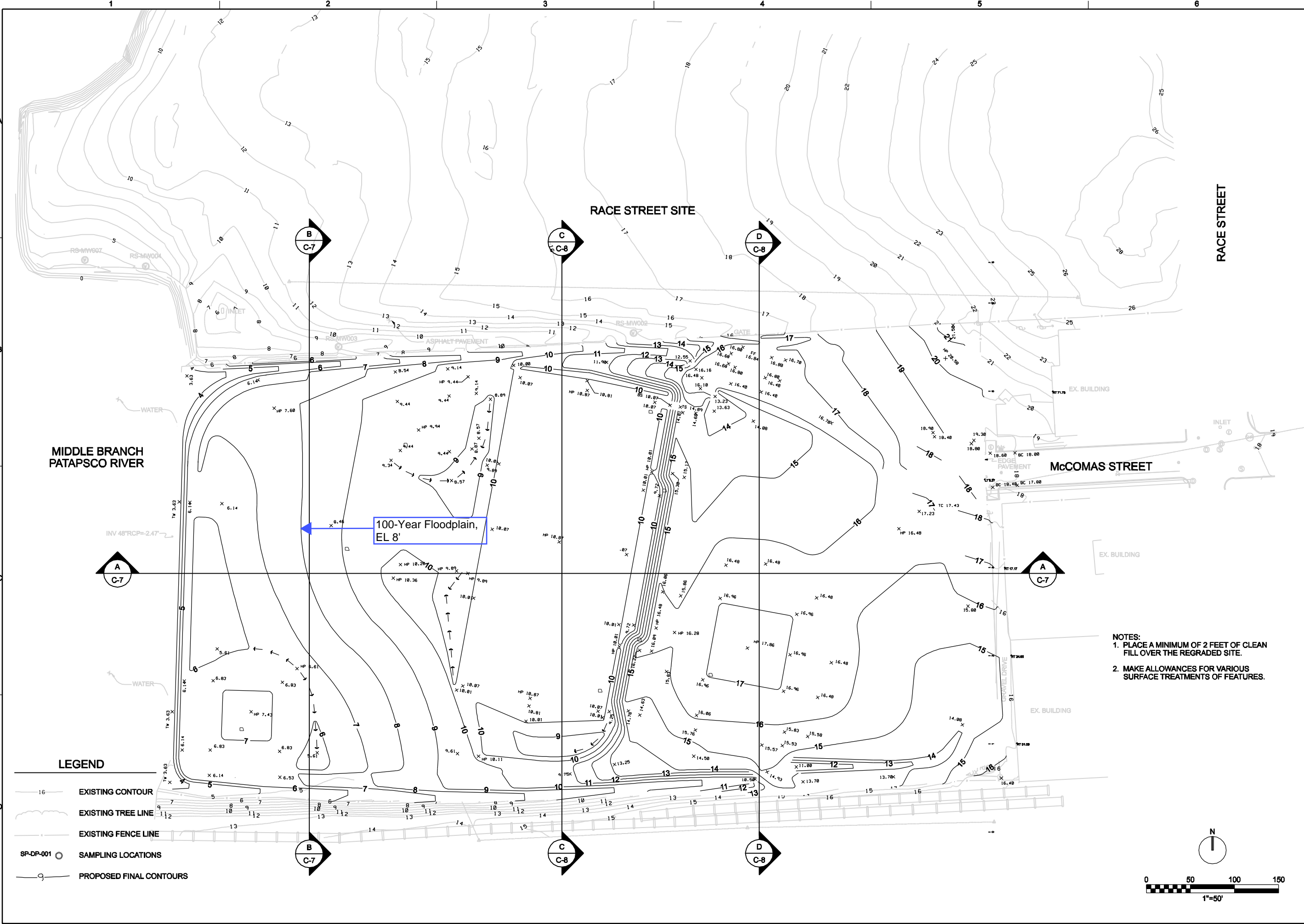
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DWG

SHEET C-1

NOT FOR CONSTRUCTION

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MIDDLE BRANCH
PATAPSCO RIVER

RACE STREET SITE

RACE STREET

McCOMAS STREET

100-Year Floodplain,
EL 8'

LEGEND

- EXISTING CONTOUR
- EXISTING TREE LINE
- EXISTING FENCE LINE
- SP-DP-001 SAMPLING LOCATIONS
- PROPOSED FINAL CONTOURS

- NOTES:
1. PLACE A MINIMUM OF 2 FEET OF CLEAN FILL OVER THE REGRADED SITE.
 2. MAKE ALLOWANCES FOR VARIOUS SURFACE TREATMENTS OF FEATURES.

CH2MHILL

CIVIL
FINAL GRADING PLAN

SWANN PARK
BALTIMORE, MARYLAND

HONEYWELL

VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING.	
DATE	OCT 2007
PROJ	364267
DWG	
SHEET	C-5

